

### **REMARKS**

This paper is filed in response to the Office Action mailed July 28, 2003 in which claims 1-5, 8-11, 18-19, 21-23 and 25-29 were rejected and claim 7 was objected to. Claims 1-5, 7-11, 18-19, 21-23 and 25-29 were pending. Now claims, 1-2, 4-5, 8-11, 18-19, 21-23 and 25-29 are pending. Claims 1, 18, 22-23, 25 and 27-29 are amended.

In the Office Action, it was indicated that claim 7 would be allowable if rewritten to include all of the limitations of the base claim. Claim 1 has been narrowed to include the plasticizers previously recited in claim 7. Greenlee teaches at column 14, lines 41-42 that these plasticizers are detrimental.

Claims 18 and 22 were rejected in the Office Action based on U.S. Patent No. 5,248,546 issued to Greenlee. Claims 18 and 22 have both been amended to recite that the film has a flexibility and an oxygen transmission rate suitable for wrapping foods. Greenlee discloses the manufacture of a layered structure which is useful as the inner liner of a refrigerator. As indicated in the Office Action, use as an inner liner of a refrigerator requires that it be suitable for direct food contact like the packaging films recited in claims 1 and 18. However, a refrigerator liner which is suitable for food contact does not teach or suggest a packaging film having flexibility suitable for wrapping foods and an oxygen transmission rate suitable for wrapping foods. Further it is counterintuitive for a refrigerator liner to be flexible or to be designed to be gas permeable such that it has an oxygen transmission rate suitable for wrapping foods. In fact it is stated in the Field of the Invention in Greenlee that the articles have good

barrier properties. It is further stated in column 14, lines 36-58 that the compositions need to be optimized to avoid decreasing the barrier properties.

In the Office Action it was asserted that the thickness recited in claim 18 equates to 0 mil. Such an assertion might apply under MPEP 2173.05(c) if the range in question related to a property which could feasibly be zero or related to an ingredient, however, it is impossible for the article being recited not to have any thickness. Claim 18 has been amended to recite that the film has a thickness "ranging up to about 2 mil" to more clearly indicate that a range is being recited having an upper limit which is no more than about 2 mil. Greenlee teaches the formation of test strips which are 20 mils at column 12, lines 13-14 and 7 mils at column 15, line 48. Greenlee further teaches, at column 17, lines 60-68, the manufacture of a multiple layer structure having a thickness of 1/8 inch from single layer strips having a thickness of 0.07-0.075 mils by compression molding the strips together.

Since it is believed that independent claims 1, 18 and 22 are patentable, the claims which depend from these claims are also believed to be patentable. In view of the foregoing, it is believed that all of the claims are patentable in their present form, and a notice of allowance for this case is respectfully requested. As mentioned above, if the Examiner finds any remaining impediment to the prompt allowance of this application, please contact the undersigned attorney.

DATED this 28<sup>TH</sup> day of JANUARY 2005.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kevin B. Laurence". The signature is written in dark ink and is positioned above the printed name and title.

Kevin B. Laurence  
Attorney for Applicant  
Registration No. 38,219

STOEL RIVES LLP  
One Utah Center  
201 South Main Street, Suite 1100  
Salt Lake City, UT 84111  
Telephone: (801) 578-6932  
Facsimile: (801) 578-6999